

Mrs. De Saulles to See Son; 8 Fathers Now in Jury Box

Little Jack To Be Brought
to Her Twice a Week
During Trial

Defendant's Mother
Overcome in Court

Suffers Heart Attack; Ac-
cused Woman Cheers Up
as Her Counsel Scores

(Staff Correspondence)

MINNEOLA, L. I., Nov. 20.—It was a little thing to Blanca De Saulles that the four jurors picked to-day to sit in judgment upon her were as much of her lawyers' own choosing as were the first four. The combination of clever jockeying and good luck through which there had been put into the box eight men, of whom not one was under the age of fifty-eight kindly, commuting souls, with children of their own and as an approximate understanding of mother-love as their sex may ever realize—seemed to have escaped her.

What did matter was an off-stage victory achieved in Justice Manning's chambers. News of it brought a touch of color to her pallid cheeks, a faint, recurrent smile to her taut lips. Little Jack was no longer to be kept away from her. To-morrow, it has been agreed by the relatives of big Jack De Saulles, the divorced husband whom she killed, the boy will be brought to her.

Since the shooting of the father the "youngster in the case" has had only a few brief visits with his mother. His comings and goings were uncertain, dependent on the whim of the uncles and aunts on his father's side who have him in their keeping.

To See Son Twice a Week

All that is changed now. To-morrow morning's reunion between mother and son is only the first of a series. At least twice a week throughout the trial the two will have a chance to be together. Probably their days will be Wednesday and Saturdays, but that has yet to be arranged.

A tentative understanding between the opposing counsel was reached at the opening of the afternoon session. Immediately court reconvened after the luncheon hour Henry A. Uterhart, of the defense, asked for a private hearing in chambers "on a matter not connected with this case."

Justice Manning had an inkling of what was to come. He announced a recess and retired from the courtroom, followed by Mr. Uterhart, District Attorney Charles B. Weeks and Deacon Murphy, representing for O'Gorman, Battle & Vandiver the De Saulles family.

What happens in chambers, of course, is not of record. It is known, though, that a threat of habeas corpus proceedings had been made by Mr. Uterhart—perhaps the result of a council between De Saulles; her mother, Mrs. Blanca Vergara Errazuriz; her brother Guillermo and her sister Amalia.

Boy Kept Away, Is Chastised

Behind the threat of a writ was a broken promise. Mrs. Uterhart said that the relatives of little Jack's father had agreed to let him be with his mother at stated intervals during her imprisonment, and had not kept their word.

"After the first few visits they kept the boy away," she asserted. "We couldn't find out exactly where he was. Two weeks ago I wrote a strong letter and Jack saw his mother again. She patched up another agreement, which again was broken."

Justice Manning, anxious to avoid a fight within a fight, made the new arrangement after Mr. Murphy had informed him that Jack had been living, was moving from Westbury to New York and that the boy had been left at Huntington. The inference was that Jack had overlooked their promise in the confusion of changing residences.

The second four jurors picked to-day were, curiously, the first and last talesmen called at the morning session and the first and last talesmen called in the afternoon.

War Veteran on Jury

Fifth to be seated in the jury box, shortly after court was opened, was William B. Jones, a real estate dealer of Freeport. He is sixty years old, married and has one daughter. He is a long mustache and wears a service bar won in the Spanish-American War.

William A. Eiland, Juror No. 4, is fifty-four years old, and also a long mustache. His "home" is in Oyster Bay, and his occupation that of superintendent on building construction.

While these two jurors were being chosen out of more than a dozen by the court, Mrs. De Saulles was gradually emerging from the lethargy which has gripped her since the trial started. She was still noticeably apathetic, but not so much so as during her first day in court. The fight for the boy was on, arousing an interest that nothing else in the proceedings had held. In the afternoon, when the fight was won, the change in the defendant was more marked.

Herman Beers, of Freeport, a retired cigar manufacturer and the fifty-fourth talesman called, had been sworn when court and counsel retired for their luncheon recess. He was accepted by both sides after a brief examination. He is rather bald, with a thin, austere face traversed by deep lines. Yet his announcement that he had a son of thirty-two came as something of a surprise.

Second Jones Chosen

Thirteen more talesmen were examined before William B. Jones, of Woodbury, a retired farmer, one-time Town Supervisor of Oyster Bay and the father of three daughters, was put on the stand. He is a short, heavy set man of sixty-one. Both sides found him acceptable.

After the second Jones had been sworn court adjourned until 10 o'clock this morning, with 65 talesmen of the panel of 150 already drawn. The defense had exercised twelve of its peremptory challenges and the state ten.

Mrs. De Saulles' mother, probably, will not be in court to-morrow. She suffered from a heart attack in the courtroom this afternoon. Few in the

small crowd of spectators present realized she was ill when she arose and left the room on the arm of Dr. J. Sherman Wright, who has been attending her daughter. After she had been attended in an anteroom Señora Errazuriz was taken to Mrs. De Saulles's home, at Roslyn.

2 Wives, 14 Children,
But Only 1 Husband

With sugar selling at goodness knows what price, more than that, Carmine Bifalco decided that seventeen could live cheaper than nine. Consequently he proceeded to consolidate his two perfectly peaceable households, containing one wife and seven children and recognizing him as their head.

And all might have lived happily ever after had it not been for agents of the Society for the Prevention of Cruelty to Children, who descended upon the multitude in their flat, at 228 North Sixth Street, Brooklyn, yesterday.

In the children's court, where Bifalco appeared before Judge Mayo, he seemed at a loss to understand what it was all about. It was true that to each group of children he was known as father and that Josephine Simonetti considered him her husband quite as much as did his lawful wife, the mother of the other seven children. Four of the children, ranging in age from seven to twelve years, were committed to the Catholic Orphan Asylum Society. What action will be taken against Bifalco will be decided later. Each wife admitted she knew of the existence of the other; in fact, both intimated that there might be still more wives and children. Both spoke in the highest terms of Bifalco as a provider.

Disloyalty Via Trunk Tags

CHICAGO, Nov. 20.—Here's the latest bit of German propaganda: They are passing anti-American tags on trunks in transit between New York and Chicago.

A traveler arriving here to-day on the Twentieth Century train of the New York Central road had as baggage a small wardrobe trunk. When he left his hotel in New York the trunk bore only the usual hotel "stickers." When it arrived here it had an additional printed "sticker" prominently pasted upon the top which read:

"What the — do we care for the high cost of living? Stand by Kaiser Wilson and King George. Fight England's wars and starve."

The "sticker" was two and a half inches long by an inch wide and was printed in a dark bluish ink. It will be investigated by Federal secret service officers.

Wife, Suing, Blames Politics

MINNEOLA, L. I., Nov. 20.—Mrs. Bertha Randall, of Freeport, filed papers in the Supreme Court here to-day seeking a legal separation and \$50 a week alimony pending trial. Her husband, Charles F. Randall, who is village president and a bank director in Freeport, filed answering affidavits and a counter suit for separation.

Politics, Mrs. Randall avers, changed the nature of her husband. After his defeat for Supervisor last spring, she says, he drank heavily, was so frequently in the company of a young woman as to become the subject of town gossip, and divided the family with a partition so that his wife could not get into his side of it and discover how many miles he had travelled in his car. She declares that he has property worth \$100,000 and an income of \$10,000 a year.

The will of Francis L. Roy Satterlee, who died on November 12, was filed in the Surrogate's Court. He left the income from his insurance company to his daughter, Miss Satterlee, the principal to be distributed among his four children on her marriage. The remainder of the estate was to be divided among his wife, Mrs. Mary Phillips Satterlee, and his daughter, Miss Satterlee.

The amount of the estate was not disclosed.

Mrs. Eliza Proctor Otis Camp, a prominent actress, filed suit for divorce in the Supreme Court of the City of New York. She is a member of the Red Cross Auxiliary at the Army Office. Several of the past members of the United States of America and more than fifty large expense wagon.

Pledges to the amount of \$51,000 were offered to the fund for France Return at the home of Mrs. William A. Eiland, chairman of the American committee organized to secure the rebuilding of Tilly and other French villages.

Two ambulances and a kitchen trailer were presented to the American National Red Cross by members of the New York City of the Mount Society. The motors were dedicated to General Grant, Sherman and Lee.

An exhibition of trained war, police and scout dogs will be given by the German Shepherd Club of America. Among the exhibitors will be Reginald C. Vanderbilt, Mrs. W. H. Thorne, Mrs. W. Thorne Kiesel, Mrs. C. Halstead Yates, John Gans, Jr., and Walter Lewinsohn.

The monthly report of Magistrate House states that during October there had been a notable falling off in second and third degree cases. The total of applications in treating such cases recently is given as follows:

Joseph McDonald, twenty-three, of 291 East 201st Street, was killed while attempting to cross the tracks of the New York Central Railroad at the Botanical Gardens station, in the Bronx.

The New York, New Haven & Hartford Railroad has applied to the Public Service Commission for authority to file with the public utility commission a bill for the use of the railroad for the purpose of carrying out the usual thirty-day notice.

Since the National War Risk Bureau was established applications have been filed by soldiers and sailors for \$750,000,000 of insurance. The day's total of applications on Monday was 17,534, and the amount, \$152,415,000.

Major William F. Sizer of the General Staff of the army, believes that absolute control by government of the sale of alcohol would reduce social disease in the army by 50 per cent.

George F. Johnson, a real estate broker, seventy-seven years old, has established a \$20,000,000 trust fund for the benefit of himself and his family. The fund is to be administered by the Central Trust Company and Mr. Johnson's eldest son, Frederick.

It Happens in the Best Regulated Families



'Jim' Nugent's Kick Returned by Gillen After 15 Years

Newark Boss Ousted by
Man He Once Booted
Down a Stairway

NEWARK, N. J., Nov. 20.—Back in the apocryphal political history of this city, yellowed but unblemished by the passage of fifteen years, is a paragraph dealing with the physical and painful kicking of Charley Gillen down the stairs of Democratic headquarters by "Jim" Nugent, the "Big Boss." Today Charley Gillen returned the kick of the "Big Boss" in figurative but no less painful fashion.

With a kick that was no less vigorous because it has neither foot nor shoe because it had neither foot nor shoe Nugent from the City Hall just as he seemed on the point of seating himself at a \$9,000 desk.

It happened this way. Charley Gillen, who was leader of the 4th Ward when he got the kick that was the wages of his independence, was one of the five City Commissioners elected recently. His colleagues are Thomas L. Raymond, a Republican and an anti-Nugent man; William J. Brennan, a labor man and a staunch admirer of Charley Gillen; and Alexander Archibald and John F. Monahan, Nugent Democrats. In preliminary conferences Archibald and Monahan gave their consent to the plan that Charley Gillen should be elected Mayor.

Gillen Didn't Forget

Perhaps Archibald and Monahan had forgotten the affair of the Democratic headquarters stairs; perhaps they had not, but they were quick to recognize and resent the touch of the "Big Boss."

Raymond has been Mayor of Newark for three years, and naturally thought that his experience entitled him to the job. Charley Gillen knew, however, that his friend Brennan would vote for him for Mayor, and he felt certain that if Mayor Raymond were re-elected his campaign utterances against Jim Nugent Mayor Raymond would see that he could not consistently vote for the "Big Boss" for City Council or anything else, even when the price was the Mayorship.

Mayor Raymond did see it, and perceived that the City Commissioners' election of a Mayor was going to result in a draw unless he voted for Charley Gillen or for Jim Nugent. So, when the commissioners met to-day it was Charley Gillen who was elected Mayor, three to two, and Jim Nugent was not chosen as City Council, at \$9,000 a year, nor for any other post in the city government. Nor did any of the Nugent candidates for office get in.

William J. Egan, an organization Democrat, but hopelessly unorthodox by Nugent canons, was named as City Clerk. Jacob L. Newman, an organization Democrat, who failed to support Nugent in his fight against Woodrow Wilson as Governor, was chosen as City Council.

As Mayor Charley Gillen will be Director of Public Affairs, with jurisdiction over the departments of Health and Poor and Alms, the library and the City Hospital. Raymond was made Director of Public Works; Brennan, Director of Public Safety; Archibald, Director of Revenue and Finance; and Monahan, Director of Public Buildings and Parks.

To-day's was the third reverse suffered by Nugent in three weeks. His Assembly campaign tickets were beaten by the local optimists and three of his five candidates for commissionariates were defeated.

Study of German Drops
In Schools of the City

More than 25 per cent of the pupils in New York City high schools—17,500 out of 66,000—are studying the German language this year, records of the Board of Education show. Last year 23,000 were studying German.

German is still the most widely taught foreign language in the curriculum, the records show. Latin and French divide honors for second place, with approximately 15,000 students each.

Accused Teachers Tell Of 'Third Degree Methods'

Union Gives Out Questions in Loyalty Pledge,
Charging School Heads Are Crushing Manhood
Out of Members—Call Educational System
Machine-Like

Accusing Assistant Superintendent of Schools John L. Tildsley and John Whalen, chairman of the high schools committee of the Board of Education, of attempting "to crush out all manhood and womanhood" from the public school teachers and of creating "a machine-line educational system," the Teachers' Union, representing one thousand teachers, yesterday issued a public statement giving their side of the controversy which grew out of the suspension on disloyalty charges of three De Witt Clinton High School teachers.

The teachers charge that Dr. Tildsley resorted to "third degree" methods and that he inquired into their personal views on politics, religion and citizenship in attempting to segregate alleged disloyal teachers. They assert that the school management was actuated by a spirit of retaliation because the teachers protested against lengthened school hours recently instituted.

"Inquisition" Questions

The questions which Dr. Tildsley is accused of asking the teachers individually and in secret as a test of their loyalty are:

"If a king were ruling in this country and he didn't get the respect of your pupils which he deserved by virtue of his office, wouldn't you consider it your duty as a teacher to inculcate respect for him, even if you had to knock it into the pupils?"

"Don't you believe that the Prussian system of education, which after all does achieve efficiency and does teach instinctive obedience, should be instituted in our school system?"

"Is there not a presumption that whatever is, is right?"

"Are teachers qualified to criticize superiors?"

"Is it not a teacher's duty as an employee of the state to teach at a very early age instinctive obedience to superiors in office?"

"Why do you believe in philosophic anarchism?"

"Would you be willing to see a Socialist principal of this school?"

"Do you believe that in war time it is the duty of the teacher to teach the boys that the highest function of the state is militaristic, and that they should be encouraged to enlist in the army?"

"What is your opinion of the Bolsheviks?"

"If President Wilson were to pass along the street, wouldn't you consider it your duty to show reverence for the head of the nation by stepping out of his way and letting him pass first? Wouldn't you teach your pupils the necessity of such instinctive reverence for superiors?"

The three suspended teachers—Thomas Mufson, A. Henry Schner and Samuel D. Schmalla—were to have a hearing to-morrow afternoon before the high school committee, were among those who authorized publication of the loyalty questions they attribute to Dr. Tildsley.

"Didn't Oppose Loyalty Pledge"

The statement given out by the Teachers' Union yesterday, after declaring that the organization has always fought against incompetency and disloyalty in the schools, says:

"It is true many of our members, as well as many teachers in other organizations and some members of the Board of Education itself, refused to sign the loyalty pledge proposed by the Mayor's Committee on National Defense, for the simple reason that we believed the Mayor was trying to make political capital out of the crisis in the nation. When the Board of Education required its loyalty pledge to be signed by the teachers, a very small

Grand Jury Begins Investigation of War Bazaar Fund

Banker's Name Used to At-
tract Large Contribu-
tions, It Is Charged

The grand jury began an investigation yesterday into the collection of contributions to the Army and Navy Bazaar, which, it is charged, took in \$71,475 and turned over only \$754 for the comfort of American soldiers and sailors. District Attorney Swann continued his examination of Waldemar H. F. N. de Billie, the managing director, and George F. Sweeney, chief collector.

Edward S. Moore, assistant secretary of the Guaranty Trust Company, who was prevailed upon to act as treasurer, spent several hours with Mr. Swann. Mr. Moore made a formal request of Mr. Sweeney to turn over all the money which he collected which was not given directly to pay for advertising space in the bazaar programme. The District Attorney calculated that this would amount to about \$6,000.

Mr. Swann asked the newspapers to publish his request that all persons who contributed without expecting any advertising returns give him their names and the amounts they gave, to determine whether there has been diversion of money.

Mr. Swann's detectives found in Sweeney's office yesterday a list of five thousand wealthy merchants and millionaires, headed by Tiffany & Co.

Sweeney Loses Job

Mr. Coffin Van Rensselaer, vice-chairman of the Children's Christmas Carnival, notified Mr. Swann yesterday that he had cancelled a memorandum which Sweeney had solicited for contributions for the carnival.

Mr. Moore said one promoter of the bazaar went to a well known manufacturer of tooth paste in Newburgh, who furnished big consignments to the Guaranty Trust Company, as agent for the Allies, and represented that, in return for a generous contribution Mr. Moore would see that their contract for the year would be renewed.

The firm gave \$1,000, which Mr. Moore would see that their contract for the year would be renewed.

"After the bazaar closed," said Mr. Moore, "I was dumfounded to receive a visit in New York from the head of the tooth paste company, who had not given me the money for more paste. I was somewhat dumfounded by the fact that the company, in addition to the \$1,000 contract, had spent \$8,000 for machinery and equipment with which to meet the new business."

Mr. Moore also told the District Attorney that a friend of his, who has an office at 51 East Forty-second Street, informed him that a man, who had rented the office next to his, was overheard calling up the Bethlehem Steel Company for a contribution to the bazaar.

The man, it is believed by Mr. Swann, was working under Sweeney. This man, according to Moore's informant, deliberately represented himself as Edward S. Moore, of the Guaranty Trust Company, and induced in some veiled hints about "keeping in right" with the government at Washington. The Bethlehem Steel Company had a large display advertisement in the programme.

De Billie Divided Fee, He Says

De Billie told the prosecutor that the Grand Central Palace people always referred their patrons to him as the "only man" who could properly handle the soliciting side of bazaars. In return, he said, he always gave the Grand Central Palace 10 per cent of his fee.

The prosecutor also learned from Mr. Ritter, of the Palace Company, that he had rented the same floor space for nine days last May to the Actors' Fund fair for \$2,000. The rental paid for the Army and Navy Bazaar for eight days occupied was \$18,000.

Plan to Control Bazaar

Frank L. Dawling, president of the Board of Aldermen, introduced a resolution at the meeting of the board yesterday to control bazaars and entertainments in the future, so as to prevent any recurrence of the Army and Navy Bazaar affair.

Argentine Railway Strike Off

BUENOS AYRES, Nov. 20 (delayed).—The strike of railway men on the Western and state railways has been settled.

Whitman to Start Third Term Boom Address to Kings County Com- mittee Expected to Spike Crospey Plans

The announcement yesterday that Governor Whitman had accepted an invitation to address the Kings County Republican Committee at its next meeting, on December 11, was taken to mean in political circles that the Governor's boom for re-election next year would be launched at that time. It was also indicative of an early effort to line up the Kings County Republican organization for Whitman, and spike any future gubernatorial boom for Justice James C. Crospey.

The announcement was made by Alfred E. Vass, Republican county chairman, who said that the invitation had been extended to the Governor when he, accompanied by Deputy Controller William Boardman and Commissioner F. J. H. Kracke, to other Brooklyn leaders, had called on the Governor at the St. Regis Monday. When seen at the hotel yesterday Governor Whitman confirmed Chairman Vass's announcement.

Mr. Vass declared that plans were under way to make the December meeting a "very important one," and that details would be announced later. The county chairman said that he told the Governor he was for him for another term. He intimated that all the Brooklyn Republican leaders had ironed out their factional differences and would solidly support the Governor for re-election. It is thought likely that the county committee will endorse Governor Whitman's candidacy for a third term at the December meeting.

Governor Whitman is confident that there will be no split in the Republican organization in Kings next year. The possibility of State Controller Eugene M. Travis, of Brooklyn, entering the field for the gubernatorial nomination has been eliminated by the announcement that Controller Travis will be a candidate for re-election, and that the whole Republican state ticket will be renominated. Travis has joined forces completely with the Whitman supporters.

The Governor's friends are confident that he will be re-elected. They base their hopes on the 250,000 plurality about The Bronx in the recent election of Attorney General Lewis.

Asks Curb on DeLuxe Flats Fifth Ave. Body Would Limit Them to Eight Stories

The Fifth Avenue Association will ask the committee on zoning to-day to change the building restrictions for Fifth Avenue from Sixtieth Street to Ninety-ninth Street, so that hereafter no apartment house or more than eight stories high could be legally constructed.

Experts say that this change would be tantamount to the passage of a law prohibiting the erection of town or eight-story de luxe flat houses could not be profitably operated there.

Under the zoning resolution this part of Fifth Avenue is in what is called a one and one-half times residential district. The height of residential structures can be one and one-half times the width of the avenue, or 150 feet, or twelve stories. Within nine years several de luxe flat houses of twelve stories have been built in this district. One suite has been rented at \$30,000 a year, a high record here.

The step taken by the Fifth Avenue Association has received the support of property owners and the public. The association is located at Sixtieth Street and south of 100th Street.

"Bobby" Beresford
Is Sued for \$26,516

The Hon. Seton Robert Beresford, the "Bobby" Beresford who was the "Hero of Kimberley" and is Lord Decies's nephew, is defendant in a suit filed here yesterday by O. J. Brand & Co., of 74 Broadway, to recover \$26,516.

The suit is based on a claim made by the plaintiff in the Supreme Court an attachment against any property which the defendant might possess in this city. So far they have not found any.

From May, 1916, to January, 1917, it is alleged, the defendant, who is a government mission, bought and sold securities through O. J. Brand & Co. The suit named in the suit was the result.

In the eleven months of Mr. Beresford's stock dealing he was an almost daily visitor at the office of O. J. Brand & Co., it is alleged.

The defendant was in the British army at the time of the Boer War and was a member of the Boer War Veterans' Association. He has been in New York in the interest of his government since the outbreak of the present war and has been living at the Hotel Biltmore. His uncle formerly was First Lord of the Treasury. His brother married Vivien Gould.

N. Y. Flat Dwellers
Shame Real Farmers

The war gardens paid, and paid big. The citizens of New York City took \$675,000 worth of vegetables out of plots within the city limits last summer and fall, according to the closest estimate made by the Mayor's Committee on Food Gardens. The same citizens got a million dollars' worth of health and enjoyment out of this experiment, so the corn, potatoes, tomatoes and other truck may be considered a more by-product of the city farming venture. Anyhow, the war gardens were a success.

W. P. Bezzell, secretary of the Mayor's Committee on Food Gardens, issued his report yesterday, showing that large plots, aggregating 1,205 acres, and 11,881 small gardens were cultivated in the five boroughs. Mr. Bezzell's figures deal only with the gardens reported to the Mayor's committee. There were thousands of other gardens cultivated within the city limits.

Estimating that the small plots yielded on the average \$25 worth of vegetables each, Mr. Bezzell's report indicates that these backyards gave a crop worth \$27,025. On the other hand, the large gardens yielded an average of \$365 worth of foodstuffs to the acre.

This estimate makes New York City one of the most successful farming communities in the world. The city's large gardens yielded an average of \$365 worth of foodstuffs to the acre. This estimate makes New York City one of the most successful farming communities in the world. The city's large gardens yielded an average of \$365 worth of foodstuffs to the acre. This estimate makes New York City one of the most successful farming communities in the world.

Plans Neutral Latin Congress

BUENOS AYRES, Nov. 20.—President Irigoyen has revived the project for a congress of neutral Latin-American nations, although several attempts to make such a conference have failed in the past. The President will shortly issue a decree for the congress. Fernando Sanguinetti will soon be named Foreign Minister, and place of Honoré Pueyrredón.

Drastic Action Against N.Y.C. Urged on City

Repeal of Old Railroad
Ordinance Recommended
by Conference Committee

May Ask Removal of
All Tracks at Grade

Report Says Board of Esti-
mate and Service Commis-
sion Have Power to Act

The joint conference committee of the Board of Estimate and the Public Service Commission on the West Side improvement, having failed in an effort to get the New York Central Railroad Company to entertain a new proposal for the solution of the West Side problem, yesterday recommended drastic action against the railroad company, in a report made to the Board of Estimate and the commission.

The committee recommends an immediate repeal by the Board of Estimate of the old city ordinance adopted May 6, 1847, by which the city granted the use of certain streets and avenues to the New York Central Railroad Company for the solution of the West Side problem, and that the city should acquire a franchise under the operation of this old ordinance, and that the city should take the railroad tracks out of the city streets. All previous negotiations with the railroad company have been based on the premises that the railroad had a franchise in perpetuity.

Wants Old Permits Revoked

The committee also recommends the rescinding of all other resolutions passed and permits granted to the railroad company subsequent to the enactment of the ordinance of 1847. The report further intimates that the Public Service Commission should proceed to compel the railroad company to remove its tracks from grade after December 1, a power delegated to the commission by the Ottinger-Ellenbogen law passed last year, provided a settlement had not been reached with the railroad company by that date.

The committee recognizes the probability of extended litigation between the city and the railroad company over the matter, but declares that, in its opinion, it is desirable that such action be taken at this time "in order to establish public rights and clear the way for a definite ascertainment of what rights and titles are involved in the railroad company's standing in the way of a fair, constructive solution of the West Side problem, in proper relationship to the better adjustment of all the facilities of the Port of New York."

Still, the committee is of the opinion that it is not the intention of the committee to recommend any action without the expression of the Board of Estimate and the Board of Public Works, and the Board of Estimate and the Board of Public Works should have actual interference with the operation of the railroad during the continuance of the war, however, is no reason